

AN ORDINANCE
BY COUNCILMAN DERRICK BOAZMAN

AN ORDINANCE TO AMEND SECTION 10-106 OF CHAPTER 10, ARTICLE II, DIVISION 2, TO THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, SO AS TO PROVIDE THAT ALL CALENDAR YEAR 2003 LICENSES ISSUED TO PRIVATE CLUBS FOR THE SALE OF ALCOHOLIC BEVERAGES BE VALID FOR A PERIOD OF SIX MONTHS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages for the public health, safety and welfare; and

WHEREAS, the City Council enacted an ordinance, 01-O-0096, adopted March 19, 2001 and approved by the Mayor March 27, 2001, which set forth new ascertainable standards for the regulation and control of private clubs consistent with Internal Revenue Service regulations and Georgia law; and

WHEREAS, the City of Atlanta is a party to litigation styled, *CAV Corporation, et al. v. The City of Atlanta, Georgia*, United States District Court for the Northern District of Georgia, Civil Action Number 1:01-CV-1079-CC; and

WHEREAS, the Court in the above case has enjoined the City from enforcing City Ordinance 01-O-0096, which modifies the requirements for private clubs who wish to sell alcoholic beverages within the City, until the final decision of the court as to the legal validity of the ordinance; and

WHEREAS, the City of Atlanta does not wish to be placed in the position of approving 2003 applications of private clubs for the sale of alcoholic beverages for the full year, and then potentially having the Court issue a determinative ruling sometime in 2003 in favor of 01-O-0096, which the City would then not be able to enforce until 2004.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1. That the Code of Ordinances be amended to add the following language to the end of Section 10-106 to Chapter 10, Article II, Division 2, and which shall state:

Any person granted a license as a private club under this division of the Code of Ordinances during the calendar year 2003 shall be issued a license effective only for the period of January 1, 2003, through June 31, 2003, with the annual fees to be prorated accordingly.

Section 2. If it shall be found that any prior ordinance or parts of any prior ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.